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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,543	08/13/2001	Josephine L. Ferguson		6085
7540	11/26/2003			
			EXAMINER	
			BEFUMO, JENNA LEIGH	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,543	Applicant(s) FERGUSON, JOSEPHINE L.
	Examiner Jenna-Leigh Befumo	Art Unit 1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 August 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 14-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

1. The Amendment submitted on August 22, 2003, has been entered. Claims 1 – 13 have been cancelled. Claims 14 – 17 have been added. Therefore, the pending claims are 14 – 17.
2. The cancellation of claims 1 – 13 renders moot the rejections to those claims set forth in the previous Office Action.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 14 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasey, Jr. et al. (3,005,472).

Kasey, Jr. et al. discloses a woven fabric having improved covering power, durability, and frictional properties (column 1, lines 10 – 13). The woven fabric produced in the examples are made from 100% nylon (Tables I – II). Since Kasey, Jr. et al. uses the same materials as the Applicant, i.e., nylon, the woven fabric taught by Kasey, Jr. et al. would inherently be non-absorbent, silky smooth, and have low frictional properties. Kasey, Jr. et al. discloses that the woven fabric is particularly suitable for use as pillow cases and bed sheeting (column 1, lines 26 – 29). The structure of a pillow case is well known. A pillow case would inherently comprise a top portion and a bottom portion sewn together with an opening for insertion of a pillow.

Therefore, claims 14 – 17 are anticipated by Kasey, Jr. et al.

5. Claims 14 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Magel (4,100,725).

Magel discloses a modified yarn which can be used to make knitted or woven fabrics with improved tactile and visual aesthetics (column 1, lines 14 – 19). The fabrics made from the modified yarns find utility as sheets and pillow cases (column 4, lines 23 – 27). The modified yarns can be prepared from any polymeric filaments, including nylons such as nylon 6, nylon 66, and nylon 6T (column 7, lines 11 – 19). Therefore, Magel teaches a woven nylon fabric which can be made into pillowcases. Since Magel uses the same material as claimed by the Applicant, i.e., nylon yarns, the woven fabric taught by Magel would inherently have the same properties, i.e., non-absorbent, low friction, and silky smooth. And, as set forth above, a pillow case would inherently comprise a top portion and a bottom portion sewn together with an opening for insertion of a pillow. Therefore, claims 14 – 17 are anticipated.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (703) 605-1170. The examiner can normally be reached on Monday - Friday (8:00 - 5:30). Approximately December 31st, the examiner's telephone number will change to (571) 272-1472.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Jenna-Leigh Befumo
November 6, 2003



CHERYL A. JONSKA
PRIMARY EXAMINER